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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PELHAM, JOSEPH MOORE

ART UNIT PAPER NUMBER

3742

DATE MAILED: 11/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

3742/150,157

Office Action Summary

Application No.

09/865,920

Applicant(s)

SANONER ET AL.

Examiner

Joseph M Pelham

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Rejections - 35 USC § 103

1. Claims 1-12 and 15-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6140614 to Padamsee in view of U.S. Patent 5842353 to Lin (Kuo-Liang in the patent) and U.S. Patent 5208896 to Katayev.

Referring to Figure 1 and column 3, lines 49-51, especially, Padamsee discloses or suggests an electrically heated mug substantially as claimed, including, including thermostat 48 and lid. Padamsee does not appear to disclose or suggest control means attached to the mug for user selection of temperature, depressible key means for temperature selection, LED or LCD visual temperature display, a buzzer for indicating attainment of a desired temperature, heater control logic which activates heating at 2°F below and deactivates heating above the set point temperature.

Lin discloses, at Figure 1, the desirability of control means 18 for user selection of temperature for a portable beverage warmer, and visual temperature display 22, for which LED or LCD are conventional means. Katayev discloses, at Figure 1, temperature display 2 and control means 7 attached to a drinking vessel. It would have been obvious to adapt the control enhancements suggested by Lin to the mug of Padamsee to improve temperature control, and to form an integral mug and control unit for the sake of more convenient monitoring and control by the user.

The examiner notes that depressible key means for temperature selection, a buzzer for indicating attainment of a desired temperature, and heater control logic which activates heating at 2°F below and deactivates heating above the set point temperature, are all well known adjuncts to household heating devices and hence cannot be regarded to patentably distinguish the claimed invention from the prior art of record. It would have been obvious to utilize depressible key means for temperature selection to allow single finger control, to include a buzzer to avoid the hazard of visual monitoring during operation of a motor vehicle, and to employ a 2°F temperature control tolerance to accommodate the coffee drinker of exacting tastes.

2. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padamsee in view of Lin and Katayev, as applied to claims 1-12 and 15-26 above, and further in view of U.S. Patent 5042258 to Sundhar.

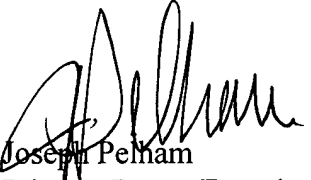
The claims differ from Padamsee in view of Lin and Katayev in calling for a removable mug liner. However, Sundhar discloses a removable mug liner 25 (see Figure 2 and column 3, lines 19-22). It would have been obvious to adapt the liner of Sundhar to the mug suggested by Padamsee in view of Lin and Katayev to allow convenient cleaning of the vessel.

Conclusion

3. The prior art cited on the PTO FORM 892, but not applied, is pertinent to the claimed invention. Applicant is urged to consider all cited prior art when replying to this action.

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Any inquiry concerning communications from the Examiner should be directed to Joseph Pelham at (703) 308-1709; fax: 703-872-9302 (before final), 703-872-9303 (after final), 703-872-9301 (customer service).



Joseph Pelham
Primary Patent Examiner
Art Unit 3742

JMP
November 20, 2002